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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number Q76059 |
| Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 | Application Number 10/647,300 | Filed August 26, 2003 |
| | First Named Inventor Eunhyung KIM | |
| | Art Unit 2168 | Examiner Cheyne D. LY |
| | WASHINGTON OFFICE 23373 CUSTOMER NUMBER | |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. | | |
| This request is being filed with a notice of appeal | | |
| The review is requested for the reason(s) stated on the attached sheet(s). | | |
| Note: No more than five (5) pages may be provided. | | |
| <input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>55,154</u> <u>/David P. Emery/</u> Signature | | |
| <u>David P. Emery</u> Typed or printed name | | |
| <u>(202) 293-7060</u> Telephone number | | |
| <u>March 25, 2009</u> Date | | |

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q76059

Eunhyung KIM, et al.

Appln. No.: 10/647,300

Group Art Unit: 2168

Confirmation No.: 2617

Examiner: Cheyne D. LY

Filed: August 26, 2003

For: MEDIA FILE MANAGEMENT SYSTEM AND METHOD FOR HOME MEDIA CENTER

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Further to the Examiner's Final Office Action dated November 25, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 2, 5, 6, 8-16 and 18-22 stand rejected as being anticipated by Myers et al. (2001).

In summary, Applicants submit that Myers fails to disclose a single program application which accesses media files stored in another information application and which searches and manages the media files. Instead, the Examiner relies on features from two different applications, Silver and Infimedia, to disclose the recited features.

In particular, Applicants respectfully submit that Myers fails to disclose the following features of claim 1:

an interface unit that accesses media files stored in another information appliance by the control signal, and receives the media files;

a media file management unit that creates a search window that displays media files to be searched and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal; and

a display driving unit that displays the search window and the edit window together in a single display screen,

wherein the media file management unit is implemented in a single program application.

Silver Fails to Access Files in Another Information Appliance

Myers' Silver application is expressly limited to video data processed by and retrieved from Informedia, a wholly independent application. Specifically, Applicants note the Examiner has taken portions of Myers out of context, alleging, “[t]he disclosure supports the camcorder is another information appliance from which the Silver editor receives videos.” Rather, Myer's only supports that Silver receives videos from Infomedia after processing by Infomedia. Silver does not “media files stored in another information appliance by the control signal, “as required by claim1. Specifically, Myers discloses:

First, people might just shoot some video with a camcorder, and then later want to edit it into a production. In the second type, there might first be a script and even a set of storyboards, and then video is shot to match the script. In these two cases where new material is shot, we anticipate that the material will be *processed by Informedia* to supply the metadata that Silver needs.

(Myers, page 108, section 5 (emphasis added).

Thus, the Examiner is incorrect in alleging that Silver has “an interface unit that accesses media files stored in another information appliance by the control signal,” as recited in claim 1. Rather, Silver merely accesses Informedia, which is a library controlled by a wholly separate entity. No other additional information appliance is accessed.

Specifically, to the extent that Myers discloses that it would support video productions recorded by a camcorder, it does not disclose an interface unit which accesses the files stored in another information appliance.

Silver Does Not Search Video Files

Additionally, Applicants submit that Silver has further deficiencies in that it does not appear to directly search video files. In the rejection, the Examiner incorrectly asserts that Silver teaches of searching and managing media files. Specifically, the portions of Myers relied on by the Examiner relate to Informedia's, not Silver's, searching capabilities. *See* Office Action, p. 108, section 4 and p. 109, section 6.1. In fact, Myers discloses that it relies on other works for the extraction and visualization of information from digital video. *See* p. 107, section 3. In this regard, Myers discloses, "In the Silver project, we focus on authoring content once it is found." (*Id.*) Accordingly, Myers relies on other applications to search and summarize the digital video. As expressly disclosed in Myers, Silver is for authoring new content, not searching and accessing information in another information appliance.

Therefore, Applicants submit Myers also fails to disclose, "a media file management unit that creates a search window that displays media files to be searched and an edit window that displays a media content file to be edited, when the media file is required to be edited, and searching and managing the media files through the search window or the edit window in accordance with the at least one control signal," as recited in claim 1.

Consequently, Applicants submit Myers fails to disclose all the features recited in claim 1 for those reasons set forth above. Additionally, because claims 12 and 20 recite a similar feature, Applicants submit these claims are allowable for at least the same reasons set forth above. Finally, Applicants submit claims 2, 5-6, 8-11, 13-16, 18-19 and 21-22 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 4 stands rejected under § 103(a) as being unpatentable over Myers as applied to claims 1, 2, 5-6, 8-16 and 18-22 above, and in further view of Chernock et al. (US 6,229,524).

Applicants submit that because Chernock, either taken alone or in combination with Myers, fails to compensate for the above noted deficiencies of Myers as applied to claim 1, claim 4 is allowable, at least by virtue of its dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 7 and 17 stand rejected under § 103(a) as being unpatentable over Myers as applied to claims 1, 2, 5-6, 8-16 and 18-22.

In particular, the Examiner concedes Myers fails to disclose displaying paths of the media files in the edit or search windows. However, the Examiner alleges that Myers suggests a plan to add support for any other views that might be useful. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to add www links (paths).

However, Applicants submit that because the Examiner alleged modification, either taken alone or in combination with Myers, fails to compensate for the above noted deficiencies of Myers as applied to claim 1, claims 7 and 17 are allowable, at least by virtue of their dependency.

Respectfully submitted,

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